

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3900-05
Bill No.: Perfected SCS for SB 754
Subject: Boards, Commissions, Committees, Councils; Cemeteries; Cities, Towns and Villages; Contracts and Contractors; Licenses - Professional
Type: Original
Date: March 2, 2010

Bill Summary: This proposal modifies provision related to cemeteries.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator, Office of Administration - Administrative Hearing Commission, Department of Revenue, Department of Social Services, Department of Insurance, Financial Institutions and Professional Registration, St. Louis County, City of Springfield** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **SOS - Business Services Division** state the number of trustees and escrow agents for which the SOS would serve as the registered agent for service of process, while unknown, is thought to be small; therefore, the SOS will absorb any costs associated with accepting and processing the service.

Officials from the **Office of Attorney General (AGO)** state that under this proposal an endowed care trust fund would become a charitable trust, which would eliminate an immediate and active role for AGO in cemetery regulation. The AGO's ability to enforce would not be set out in statute but would likely depend upon whether the document or instrument governing the endowed care trust created a public benefit. AGO assumes that costs of any litigation related to endowed care trusts could be absorbed with existing resources. The AGO assumes that it would need .5 AAG I to adequately handle licensing and disciplinary proceedings pursuant to the proposal. The AGO estimates this new .5 AAG I will cost \$36,693 in FY 2011, \$44,525 in FY 2012, and \$45,861 in FY 2013.

Oversight assumes the AGO could absorb any costs within existing resources. If the AGO experiences an increase in licensing and disciplinary proceedings that would require additional funding, the AGO could request the funding through the appropriations process.

Officials from the **Department of Corrections (DOC)** state the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase of direct offender costs either through incarceration (FY09 average of \$16.04 per offender, per day, or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day or an annual cost of \$1,354 per offender).

The DOC assumes the narrow scope of the crime will not encompass a large number of offenders, the low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence, and the probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another. Therefore, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

The following counties did not respond to **Oversight's** request for a fiscal impact: **Boone, Carroll, Clay, Cole, Greene, Jackson, Johnson, St. Charles, Platte, and Pulaski.**

The following cities did not respond to **Oversight's** request for a fiscal impact: **Boonville, Cape Girardeau, Columbia, Independence, Jefferson City, Kirksville, Liberty, Rolla, Sedalia, St. Joseph, Kansas City and St. Louis.**

Senate Amendment 1 Section 137.1040

Officials from the **Department of Revenue** assume the proposal will not fiscally impact their agency.

Oversight assumes this proposal as written is enabling legislation and would require action by the governing body before fiscal impact would be realized. Oversight assumes no state or local fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

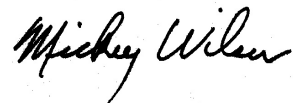
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue
Office of Attorney General
Office of Administration
- Administrative Hearing Commission
Office of State Courts Administrator
Department of Insurance, Financial Institutions and Professional Registration
Department of Corrections
Department of Social Services
Office of Secretary of State
St. Louis County
City of Springfield

NOT RESPONDING

Boone County
Carroll County
Clay County
Cole County
Greene County
Jackson County
Johnson County
St. Charles County
Platte County
Pulaski County
Boonville
Cape Girardeau
Kansas City
Columbia
Independence
Jefferson City
Kirksville
Liberty
Sedalia
St. Joseph
City of St. Louis.
Rolla



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Director
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